

are hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to purchase, upon approval by the Governor, out of the general revenue of this State and in the name of the State of Texas, and for the purpose of giving constant and profitable employment to State convicts who cannot be profitably employed within the walls of the penitentiary, as soon as practicable, so much land as can be profitably used. Said land to be well adapted to agricultural purposes and best adapted to the constant and profitable employment of convict labor. Said land may be purchased in one or more tracts and may be partly improved and partly unimproved as may seem to said boards to be in the best interest of the State in the utilization of said convict labor.

"Section 4. There is hereby appropriated the sum of \$1,000,000, or so much thereof as may be necessary, out of the general revenue of the state, for the purchase of said farm or farms, and for the purpose of stocking said farms and making improvements thereon, and the support of the convict force employed in the improvement and cultivation of the same."

That bonds of the state shall be issued in denominations of \$1000 each, to the amount of million of dollars to bear 6 per cent per annum, and the permanent school fund of this State shall be invested in said bonds at par—the money to go to the State to carry out the provisions of this and said bonds to belong to the permanent school fund, the interest thereon to be paid annually by the State, and become a part of the available school fund."

House bill No. 306, entitled "An act to make valid the adoption by the city of Cleburne on the 12th day of October, A. D., 1875, of the general incorporation act of this State, approved March 15, 1875 in lieu of the special charter granted May 3, 1871, and to remedy any defects, irregularities therein."

Read first time and referred to committee on incorporated cities and towns.

On motion of Senator Kimbrough the Senate adjourned to 10 a. m. tomorrow.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
Austin, March 10, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—27.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Page,
Carter,	Harrison,	Pope,
Clark,	Johnson,	Potter,
Clemens,	Kearby,	Scale,
Crane,	Kimbrough,	Sinkins,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whately.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Finch, the further reading of the same was dispensed with.

The chair handed the following communication to the secretary which was read:

COMMITTEE ROOM.

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Dear Sir: I am requested by Mr. W. A. Williamson, son of the late Hon. R. M. Williamson, to tender to the state for the use of the Senate, a full-length portrait of his distinguished father.

The services of Judge Williamson in the cause of Texan independence, the eloquence and zeal with which he raised his voice in our earliest days for the cause of liberty, and his lifelong devotion to the people, much of which life was spent in the Texas Senate, make it peculiarly appropriate that his portrait should adorn the walls of the Senate chamber; as a memento for coming generations of the hero who first spoke and fought for Texas, and who contributed more, perhaps, than any other single man to precipitate the conflict which gave Texas to Anglo-Saxon civilization; and to us who now enjoy the blessings of liberty under the protection of her laws.

Allow me in behalf of the donor to express the hope that the Senate will accept this patriotic gift from a native son of the State, and that it will take appropriate action for its formal presentation, at such time as may suit its convenience.

Respectfully,
GEO. CLARK.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 307, being "An act to authorize and require the commissioners courts of the several counties of this State to provide for the payment of all claims due teachers of public schools audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879 and to audit and pay such claims as should have been presented to and audited by the auditorial board provided by said acts,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Commerce and Manufactories, to whom was referred

Senate bill No. 24, being "An act to regulate the employment of children in manufacturing establishments.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

"Strike out '15 years' in section 1 and insert '14 years,' and add to the section the following:

"Provided, the county judge, on a showing made of a necessity from any cause that the child or children be employed in any such factory, may grant permission to any one who is excluded under this act, to be so employed.

MOTT, Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Commerce and Manufactories, to whom was referred

Senate bill No. 338, being "An act to provide for the organization of public warehousing of cotton, grain and other kinds of products and all kinds of goods and mercantile com-

modities and to define the ownership thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MOTT, Chairman.

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 149, being "An act requiring the Attorney General to institute suit to recover school lands where the purchasers thereof have failed or refused to comply with the laws relating to the payment of the principal or interest on such purchases, fixing the venue thereof and prescribing the manner of stating the case of the state, the manner of answer, the relief to be granted, or the judgment to be rendered in such cases,"

And find the same correctly engrossed.

CARTER, Chairman.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN TEXAS,
Austin, March 10, 1891.

Sir—I am directed to inform the Senate that the House has passed

Senate bill No. 298, being "An act to authorize and empower the superintendent of the State penitentiaries of Texas to receive from the treasurer of the United States in the name of the State of Texas, the bounty on sugar raised and manufactured on the State penitentiary farms in Texas."

Yeas 83, nays 4.

SAM H. DIXON,
Chief Clerk,

House of Representatives.

Senator Atlie asked and obtained unanimous consent to suspend pending business and take up

House bill No. 325, entitled "An act to amend an act approved March 25, 1889, being an act to amend an act to re-enact section 28, of an act to re-district the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend

said section 23 of said act, approved February 26, 1885 and to create the 49th judicial district, to provide for the appointment and election of a district judge and a district attorney therein and to repeal all laws and parts of laws in conflict herewith.

Bill on second reading.

The chair gave notice of signing, and signed in the presence of the Senate,

House bill No. 554, entitled "An act amendatory of and supplementary to an act entitled an act to restore and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the State, and to conform the jurisdiction of said county court to such change, approved, February, 1891."

Also House bill No. 413, to amend section 5 of an act approved April 2, 1887, entitled an act to amend section 5 of an act approved February 6, 1884, entitled an act to amend sections 5, 7, 26 and 39 of an act entitled an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in March, 1884, approved April 9, 1883." Also

House bill No. 53, entitled "An act to amend section 9 of an act entitled 'An act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle,' passed at the regular session of the Twenty-first Legislature and approved April 6, 1889." Also

Substitute House bill for Senate bill No. 12, entitled "An act to amend article 183 of the revised statutes of the State of Texas." Also

House bill No. 121, entitled "An act to be entitled 'An act to amend article 222, title 10, of the revised statutes by adding thereto 223a relating to the granting of license to the graduates of the law department of the University of Texas.'"

Also House Substitute Senate bill No. 15, entitled "An act to validate the location of county seats in certain counties where the same were organized and their county seats located under a misapprehension of the mean-

ing of the law in regard to the election of county seats in newly organized counties"

Also House bill No. 517, entitled "An act to extend the corporate limits of the city of Beaumont."

Also House bill No. 234 entitled "An act validating the records of deeds judgments and other muniments of title conveying or affecting lands in Archer, Wichita, Wilbarger, Baylor, Henderson and Knox counties, between February 10, 1874, and April 23, 1879."

The question recurred to the adoption of Senator Potter's substitute for the pending bill.

The substitute was lost by the following vote:

YEAS—8.

Crane,	Page,	Townsend,
Finch,	Potter,	Whatley.
Frank,	Simmons,	

NAYS—18.

Atlee,	Glascock,	Maetze,
Burney,	Harrison,	McKinney,
Clark,	Johnson,	Mott,
Clemens,	Kearby,	Pope,
Crawford,	Kimbrough,	Seale,
Garwood,	Lubbock,	Tyler.

The bill was passed to a third reading by the following vote:

YEAS—18.

Atlee,	Garwood,	Lubbock,
Carter,	Glascock,	Maetze,
Clark,	Harrison,	Mott,
Clemens,	Johnson,	Pope,
Crawford,	Kearby,	Seale,
Frank,	Kimbrough,	Tyler,

NAYS—9.

Burney,	McKinney,	Simkins,
Crane,	Page,	Townsend,
Finch,	Potter,	Whatley.

Senator Atlee moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to its third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee,	Garwood,	Page,
Burney,	Glascock,	Pope,
Carter,	Harrison,	Potter,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Townsend,
Crawford,	Maetze,	Tyler,
Finch,	Mott,	Whatley.
Frank,		

NAYS—0.

Bill read third time and passed by

the following vote:

YEA—18.

Atlee,	Garwood,	Lubbock,
Carter,	Glasscock,	Maetze,
Clark,	Harrison,	Mott,
Clemens,	Johnson,	Pope,
Cranford,	Kearby,	Seale,
Frank,	Kimbrough,	Tyler.

NAYS—9.

Burney,	McKinney,	Simkins,
Crane,	Page,	Townsend,
Finch,	Potter,	Whitley.

Senate bill No. 3, entitled "An act to provide for revising, digesting and publishing the laws civil and criminal, of the state of Texas," was taken up for the purpose of considering the following House amendments:

Strike out "2" in printed bill in line 3, section 1, and insert "3."

Insert on page 3 of printed bill, section 5, line 3, the words "not to exceed one year."

Senator Cranford moved that the Senate do not concur, and a conference be requested.

Adopted.

And the chair appointed Senators Cranford, Townsend, Tyler, Potter and Seale as a committee of conference on the difference between the two houses on the bill.

Senator Tyler withdrew his motion to reconsider the vote passing Senate bill No. 149, which motion was spread upon the Journals of yesterday.

Senator Johnson moved to postpone consideration of Substitute Senate bills Nos. 52 and 54 temporarily and take up House substitute for substitute House bills Nos. 1, 3 and 58, entitled "An act to establish a railroad commission for the state of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement."

Adopted.

And bill read second time.

Senator Townsend moved that the Senate consider the bill by sections.

Adopted.

Section 1 read and considered.

Senator Townsend offered the following amendment:

Amend by striking out all of section 1, down to and including the word qualified, on page 2, and insert the following:

Section 1. Be it enacted by the Legislature of the State of Texas, That a railroad commission is hereby created to be composed of three persons, who shall be appointed by the Governor upon the taking effect of this act (with the advice and consent of the Senate if the legislature be then in session) and who shall hold their respective offices until the election and qualification of their successors.

At the next general election, and every two years thereafter three commissioners shall be elected, who shall hold their offices for two years, or until the election and qualifications of their respective successors, and to make the bill otherwise conform to this amendment.

The amendment was debated by Senators Clark and Cranford in favor, and Senator Kimbrough against its adoption.

On motion of Senator Tyler the Senate adjourned to 3 p. m. today.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—27.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Page,
Carter,	Harrison,	Pope,
Clark,	Johnson,	Potter,
Clemens,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whitley.

Question recurred to the adoption of Senator Townsend's amendment to section 1 of House substitute Senate bills Nos. 1, 3 and 58.

Senator Pope offered the following substitute for the amendment:

Section 1. Be it enacted by the Legislature of the State of Texas, That a railroad commission is hereby created, to be composed of three persons, to be selected as follows:

The Governor shall appoint said commission, to hold their offices till the convening of the next session of the Legislature, and if said Legislature shall fail to provide the manner of selecting said commission, then the Governor shall appoint the commission again until the next general election, and until their successors shall be qualified. At the expiration of the terms

of office of the last appointed commission if the legislature shall fail to provide for the manner of selecting their successors then their successors shall be elected at the next general election, and at each succeeding general election thereafter, and shall hold their offices for two years, and until their successors shall be qualified.

Senator Crane offered the following amendment to the substitute:

Amend as follows: Strike out all after the word "bill" in line 8 down to and including the word legislature, in line 9 thereof, and insert in lieu thereof the following: "until their successors are elected or appointed."

Further amend by striking out the word "said" in line 10, and insert in lieu thereof "the next."

Senator Pope withdrew his substitute and the question recurred to the amendment of Senator Townsend.

(President pro tem Cranford in the Chair)

The substitute and amendments were discussed by Senator Pope in favor of his substitute, by Senator Crane in favor of his amendment and by Senators Garwood for, Simkins against, Kearby for and Johnson for Senator Townsend's amendment.

Senator Simkins offered the following substitute for the amendment:

Section 1. Be it enacted by the Legislature of the state of Texas, That a railroad commission is hereby created to be composed of three persons, to be appointed by the Governor as follows:

If the Legislature be then in session, the Governor shall, upon the taking effect of this act, by and with the consent of the Senate, appoint said commission; but if the Legislature be not in session, the Governor shall make such appointment, and each commissioner so appointed shall hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is appointed and qualified. The next and each succeeding governor shall, on the second Monday after his inauguration, or as soon thereafter as practicable, appoint said commissioners, who shall each hold his office until the second Monday after the inauguration of the next succeeding governor, and until his successor is appointed or elected and qualified, or until the Legislature shall by law provide for the election of such commissioners, or for some other method of selection.

Withdrawn.

Senator Page offered the following substitute for the amendment of Senator Townsend:

Section 1. Be it enacted by the Legislature of the State of Texas, that a railroad commission is hereby created to be composed of three persons, to be appointed by the Governor as follows: If the Legislature be then in session the Governor shall, upon the taking effect of this act, by and with the advice and consent of the Senate, appoint said commission; but if the legislature be not in session the Governor shall make such appointment, and each commissioner so appointed shall hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is appointed and qualified. The next Governor shall on the second Monday after his inauguration, or as soon thereafter as practicable, appoint said commissioners, who shall each hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is elected. Provided, that at the general election for state officers in 1891, and at every general election thereafter, the commissioners herein provided for shall be elected.

Senator Frank moved that the Senate adjourn till tomorrow at 10 a. m., and that the substitute of Senator Page be printed in the Journal, which prevailed by the following vote:

YEAS—13.

Carter,
Clemens,
Crane,
Frank,

Kearby,
Kimbrough,
Lubbock,
Maetze,

McKinney,
Seal,
Simkins,
Tyler,
Whitley.

NAYS—12.

Atlee,
Burney,
Clark,
Cranford,

Finch,
Garwood,
Johnson,
Mott,

Page,
Pope,
Potter,
Townsend.

FORTY-NINTH DAY.

SENATE CHAMBER.

Austin, March 11, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.